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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,736

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Lee George Laborczfalvi

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EXAMINER

ANYA, CHARLES E

ART UNIT

PAPER NUMBER

2194

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,736	<b>Applicant(s)</b> LABORCZFALVI ET AL.	
	<b>Examiner</b> CHARLES E. ANYA	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-12 are pending this application.

#### ***Claim Objections***

2. **Claim 2 is objected to because of the following informalities:**

“a system-scoped resource” in line 2 of claim 2 appears to be a typographical error of --the system-scoped resource--.

Appropriate correction is required.

#### ***Specification***

Applicant has failed to provide antecedent basis for the claimed terminology “computer usable media” (claim 20). Therefore, the question becomes whether non-statutory embodiments would be fairly conveyed to one of ordinary skill given the terminology utilized. Therefore, the Specification is objected to under 37 CFR 1.75 (see MPEP 608.01(o)).

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claim 20 is directed to non-statutory subject matter.**

Given the specification, claim 20 is rejected under 101 as failing to be limited to embodiments which fall within a statutory category. In this instance, since the specification does not provide antecedent basis for the claimed “computer usable medium” it is not clear whether “computer usable medium” is directed to statutory subject matter.

Therefore, it would appear reasonable to interpret “computer usable medium” as transmission media or other forms of propagation medium and as such fails to be an appropriate manufacture under 35 USC 101 in the context of computer-related inventions.

This claim could be amended such that it is directed to statutory subject matter by amending the specification to specifically define and disclose the claimed “computer usable medium” including disclosing the “computer usable medium” to exclude transmission media or other forms of propagation media or amending the claim (claim 20) to include “non-transitory computer usable medium”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 7,162,724 B2 issued to Blaser et al. in view of U.S. Pat. No. 7,203,696 B2 issued to Atm.**

5. As to claim 1, Blaser teaches a method for presenting an aggregate view of native resources, the method comprising:

(a) enumerating a plurality of system-scoped native resources provided by a system layer (“...presenting a virtual view of that data to an operating system...” Col. 3 Ln. 59 – 65);

(b) enumerating a plurality of application-scoped native resources provided by an application isolation layer (“...application layers which are isolated from other application...” Col. 3 Ln. 42 – 46, Col. 5 Ln. 18 – 20, Col. 13 Ln. 22 – 27, “...enumerate the files of a layer...” Col. 20 Ln. 26 – 27), some of the plurality of application-scoped resources corresponding to some of the plurality of system-scoped resources (“...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11);

(c) determining, for a system-scope resource of the plurality of system-scoped resources, the existence of a corresponding application-scope resource of the plurality of application-scoped resources (“...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and

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location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11) and

d) replacing the system-scoped resource with the corresponding application-scoped resource ("...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11).

Blaser is silent with reference to enumerating an aggregate view of native resources.

Atm teaches enumerating an aggregate view of native resources

("...merging information from different locations in the registry..." Col. 4 Ln. 44 – 47, "...merge multiple hives into a single hive..." Col. 7 Ln. 30 – 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Blaser with the teaching of Atm because the teaching of Atm would improve the system of Blaser by providing a technique for aggregating data/files from multiple source to provide a collection of data/files that are gathered together to form a composite information and thus allows for a concise or consolidated view.

6. As to claim 2, Blaser teaches the method of claim 1 wherein step (c) comprises determining, for the system-scoped resource of the plurality of system-scoped resources, that a corresponding application-scoped resource of the plurality of

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application-scoped resources does not exist (“...does not however, find a corresponding entry in layer B...” Col. 4 Ln. 35 – 43).

7. As to claim 3, Atm teaches the method of claim 2 wherein step (d) comprises including the system-scoped resource in an aggregate view of native resources (“...merging information from different locations in the registry...” Col. 4 Ln. 44 – 47, “...merge multiple hives into a single hive...” Col. 7 Ln. 30 – 54).

8. As to claim 4, Blaser teaches the method of claim 1 further comprising:

(e) enumerating a plurality of user-scoped native resources provided by a user isolation layer, some of the plurality of user-scoped resources corresponding to some of the plurality of system-scoped resources (“...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11);

(f) determining, for the application-scoped resource of the plurality of application-scoped resources, the existence of a corresponding user-scoped resource of the plurality of user-scoped resources (“...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided

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whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11); and

(g) replacing the application-scoped resource with the corresponding user-scoped resource ("...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application..." Col. 8 Ln. 6 – 11).

Atm teaches enumerating an aggregate view of native resources

("...merging information from different locations in the registry..." Col. 4 Ln. 44 – 47, "...merge multiple hives into a single hive..." Col. 7 Ln. 30 – 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Blaser with the teaching of Atm because the teaching of Atm would improve the system of Blaser by providing a technique for aggregating data/files from multiple source to provide a collection of data/files that are gathered together to form a composite information and thus allows for a concise or consolidated view.

9. As to claim 5, Blaser teaches the method of claim 4 wherein step (f) comprises determining, for the application-scoped resource of the plurality of application-scoped resource, that a corresponding user-scoped resource of the plurality of user-scoped resources does not exist ("...does not however, find a corresponding entry in layer B..." Col. 4 Ln. 35 – 43).



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10. As to claim 6, Atm teaches the method of claim 5 wherein step (g) comprises including the application-scoped resource in the aggregate view of native resources (“...merging information from different locations in the registry...” Col. 4 Ln. 44 – 47, “...merge multiple hives into a single hive...” Col. 7 Ln. 30 – 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Blaser with the teaching of Atm because the teaching of Atm would improve the system of Atm by providing a technique for aggregating data/files from multiple source to provide a collection of data/files that are gathered together to form a composite information and thus allows for a concise or consolidated view.

11. As to claim 7, Atm teaches the method of claim 1 wherein step (c) comprises determining, for the system-scoped resource of the plurality of system-scoped resources, that a corresponding application-scoped resource of the plurality of application-scoped resources indicates the system-scoped resource is deleted (“...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11).

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12. As to claim 8, Atm teaches the method of claim 7 wherein step (d) comprises removing the system-scoped resource from the view of native resources (“...removed...in a layer...” Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

13. As to claim 9, Blaser teaches the method of claim 4 wherein step (f) comprises determining, for application-scoped resource of the plurality of application-scoped resources, that a corresponding user-scoped resource of the plurality of user-scoped resources indicates the resource is deleted (“...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11).

14. As to claim 10, Blaser teaches the method of claim 9 wherein step (g) comprises removing the system-scoped resource from the view of native resources (“...removed...in a layer...” Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

15. As to claim 11, Blaser teaches the method of claim 1 further comprising the step of intercepting, by a file system driver, a mini-driver, a user mode hooking mechanism, or a kernel mode hooking mechanism, a request to enumerate a file system comprising system-scoped resources (Libraries 108/Software 106 Col. 4 Ln. 15 – 17, Col. 14 Ln. 58 – 67, Col. 20 Ln. 16 – 35).

16. As to claim 12, Blaser teaches the method of claim 1 further comprising the step of intercepting a request to enumerate a plurality of registry entries (Libraries 108/Software 106 Col. 4 Ln. 15 – 17, Col. 14 Ln. 58 – 67, Col. 20 Ln. 16 – 35).

17. As to claims 13 and 20, see the rejection of claim 1 above.

18. As to claims 14 and 16, see the rejection of claims 2 and 4 respectively.

19. As to claim 15, Blaser teaches the apparatus of claim 14, wherein the means for replacing includes the system-scoped resource in the view of native resources of the application-scoped resource (“...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11).

20. As to claim 17, Blaser teaches the apparatus of claim 16 wherein the means for determining determines that a user-scoped resource corresponding to the application-scoped resource does not exist and including the application-scoped resource in the view of native resources (“...does not however, find a corresponding entry in layer B...” Col. 4 Ln. 35 – 49).

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21. As to claim 18, Blaser teaches the apparatus of claim 1 wherein the means for determining determines the application-scoped resource is deleted and removing the system-scoped resource from the view of native resources (“...if two enabled layer contain a virtual reference to a file, one will take priority over the other and be identified as the owner layer...” Col. 5 Ln. 54 – 58, “...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11, “...removed...in a layer...” Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

22. As to claim 19, Blaser teaches the apparatus of claim 16 wherein the means for determining determines the user-scoped resource is deleted and removing the system-scoped resource from the view of native resources (“...if two enabled layer contain a virtual reference to a file, one will take priority over the other and be identified as the owner layer...” Col. 5 Ln. 54 – 58, “...file access of 208 might also correspond to files in layers A or the base file system...” Col. 4 Ln. 35 – 40, “...If files of the same name and location exist in multiple layers or in the base file system, rules can be provided whereby the layered system can determine which file to present to an application...” Col. 8 Ln. 6 – 11, “...removed...in a layer...” Col. 8 Ln. 29 – 34, Col. 20 Ln. 24 – 30).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES E. ANYA whose telephone number is (571)272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/  
Supervisory Patent Examiner, Art Unit 2194  
03/14/10

cea.